

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 27451 of 2020

Arising Out of PS. Case No.-286 Year-2019 Thana- CHAUSA District- Madhepura

1. Vijay Kumar Yadav @ Vijay Yadav, aged about 45 years, Male, Son of Baudhi Yadav.
2. Sanjay Yadav, aged about 42 years, Male Son of Baudhi Yadav.
3. Ashok Yadav, aged about 40 years, Male Son of Late Maheshwari Yadav.
4. Sunil Yadav, aged about 32 years, Male Son of Late Maheshwari Yadav.
5. Ajeet Yadav, aged about 30 years, Male Son of Dasrath Yadav.
All resident of Village-Garua, Tola-Bhatgama, Police Station-Chousa, District-Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, APP

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 26-10-2021 Heard Mr. Uday Chand Prasad, learned counsel appearing on behalf of the petitioners and Mr. Lakshmi Kant Sharma, learned counsel appearing on behalf of the State.

The petitioners apprehend arrest in connection with Chausa PS Case No. 286 of 2019 registered for offence punishable under Sections 147, 148, 149, 448, 323, 324, 307, 354, 379, 435, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act.

The present application under Section 438 of the Cr.P.C. has been filed for alleged offence under Sections 147,



148, 149, 448, 323, 324, 307, 354, 379, 435, 504, 506 of the Indian Penal Code and Section 27 of the Arms Act in connection with Chausa P.S. Case No. 286 of 2019 pending in the Court of learned Sub-Divisional Judicial Magistrate, Udakishunganj, District- Madhepura.

It has been alleged in the written report by the informant on 11.10.2019 at about 4.00 AM, against 25-30 unknown persons along with seven named in the FIR out of which accused namely, Vinay Yadav and Laltu Yadav both sons of Parmanand Yadav, Vijay Kumar Yadav and Sanjay Yadav, both sons of Baudhi Yadav, Ashok Yadav and Sunil Yadav, both sons of Late Maheshwari Yadav and Ajeet Yadav son of Dasharath Yadav all residents of village- Garua Tola Bhatgama, PS Chousa, District- Madhepura under conspiracy attack upon the house of the informant armed with Lathi, Gardasa, three-nut, iron rod and khanti with an intention to enter the house of the informant and started assaulting to kill and set the house on fire and when the inmates of the house protested then accused namely Vinay Yadav and Laltu Yadav fired three-nuts which hit Sulekha Devi and it has been alleged that the petitioners Vijay Yadav (petitioner no. 1) and Sunil Yadav (petitioner no. 4) assaulted with butts on the faces and chest of Bilas Mandal and



Kabir Mandal. Ajeet Yadav (petitioner no. 5) assaulted with iron-rod on the chest, face and fingers and other co-accused Shashi Kumar Mandal with iron rod to which the informant fell on the ground and become unconscious. It has also been alleged that petitioners named in the FIR along with unknown accused persons set the house on fire and they also made indiscriminate firings and the police recovered fired cartridges, Chappal, Khanti, Iron-rod, Lathi and Gamchha. It is further alleged that while going away all accused person including these petitioners pulled sari from the bodies of the women of the house and got them naked. It is further alleged that co-accused Sorabh Kumar Yadav snatched golden chain worth Rs. 46,000/- from the neck of the female member of the house and fled away.

Learned counsel appearing on behalf of the petitioners states that the petitioners are innocent and have not committed any offence as alleged in the FIR and has falsely been implicated. He further submits that the present Chousa P.S. Case No. 286 of 2019 dated 11.10.2019 in which they have been made accused and Chousa P.S. Case No. 289 of 2019 have simultaneously been lodged by Meena Devi wife of petitioner no. 1, Vijay Kumar Yadav against the informant of the present case. He further submits that there is land dispute coming



between the parties and the present dispute arose only after the title appeal no. 58 of 2017 (Parmanand Yadav & Others Vs. Madho Mandal & Others, which has been decided by Judgment and decree dated 27.03.2018 and 09.04.2018 respectively in the favour of the petitioners and as such out of vengeance the present FIR has been lodged against these petitioners due to on going land dispute between the parties.

Learned APP, opposes the prayer for anticipatory bail of these petitioners.

It has further been submitted by learned petitioners counsel and on a careful consideration of the allegations of the case mentioned in the FIR and the material which has been brought on record and an order passed in title appeal no. 58 of 2017 by the Court of learned District Judge, Madhepura on 27.03.2018, admittedly there is long standing land dispute fought between the petitioners and the informant as well as case and counter case are also filed by the parties against each other.

On perusal of the injury report it is found that all the injuries are simple injury inflicted on Sulekha Devi, Kabir Mandal, Amit Kumar, Bilas Mandal and Shashi Kumar.

Having considered the facts and circumstances of the case and submissions of learned counsel for the parties,



allegation made in the FIR and the injury report let the petitioners above named in the event of their arrest or surrender before the Court below within four weeks from today, the petitioners be released on bail upon furnishing bail bonds of Rs. 10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of the learned, Sub-Divisional Judicial Magistrate, Udakishunganj, District- Madhepura in Chousa PS Case No. 286 of 2019, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

(Purnendu Singh, J.)

Anand Kr.

U		T	
---	--	---	--

